

1 **HOUSE JOINT RESOLUTION NO. 38**

2 (By Delegates Overington, Ellington, Barker,
3 R. Phillips, Sobonya, C. Miller, Armstead,
4 Walters, Storch, Gearheart and Sigler)

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6 [Introduced February 15, 2011; referred to the
7 Committee on Constitutional Revision then the Judiciary.]

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10 Proposing an amendment to the Constitution of the State of West
11 Virginia, amending article VIII thereof, by adding thereto a
12 new section, designated section 16, relating to imposition of
13 capital punishment; numbering and designating such proposed
14 amendment; and providing a summarized statement of the purpose
15 of such proposed amendment.

16 *Resolved by the Legislature of West Virginia, two thirds of*
17 *the members elected to each house agreeing thereto:*

18 That the question of ratification or rejection of an amendment
19 to the Constitution of the State of West Virginia be submitted to
20 the voters of the state at the next general election to be held in
21 the year 2012, which proposed amendment is that article VIII
22 thereof be amended by adding thereto a new section, designated
23 section 16, to read as follows:

24 **ARTICLE VIII. JUDICIAL POWER.**

25 **§16. Imposition of capital punishment.**

26 The Legislature shall provide by general law the procedure for

1 the imposition of capital punishment.

2 Resolved further, That in accordance with the provisions of
3 article eleven, chapter three of the Code of West Virginia, 1931,
4 as amended, such proposed amendment is hereby numbered "Amendment
5 No. 1" and designated as the "Capital Punishment Amendment" and the
6 purpose of the proposed amendment is summarized as follows: "The
7 purpose of this amendment is to require the Legislature to approve
8 by general law capital punishment."

NOTE: The purpose of this resolution is to is to require the
Legislature to approve by general law capital punishment.

Strike-throughs indicate language that would be stricken from
the present Constitution, and underscoring indicates new language
that would be added.